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RP
6-6-01

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE,

Plaintiff,

v.

UNITED STATES, et al,

Defendants.

1:00cv00486

FILED
SCRANTON

JUN - 5 2001

PER ym
DEPUTY CLERK

AFFIRMATION OF PAUL LEE RELATING TO ADMINISTRATIVE REMEDIES

I, Paul Lee, affirm and state under the penalty for perjury that the following is true and correct (28 USC 1746):

1. My name is Paul Lee. I am the plaintiff in this case.
2. In the government's motion, they request dismissal because I did not exhaust administrative remedies.
3. However, I did exhaust my remedies as to all aspects of this Complaint. In fact, in my administrative remedy 206522, I specifically discussed having my hip replaced.
4. I also requested that my hip be replaced in remedy 192485. In the final response from the government, the National Inmate Appeals Administrator wrote, "The Clinical Director has determined that you are not a candidate for hip replacement." There are no remedies after the national level.
5. The response contravenes the expert the government hired. The expert wrote in his report, "He is awfully young to have a hip replacement, but that may be the best choice for him, depending upon how much pain he has."
6. Therefore, mandamus is my only form of relief. I have exhausted my administrative remedies twice. There is nothing more I can do to have my hip replaced.
7. If the government reviewed its files, it would see that I exhausted my remedies at 192485 and 206522.

8. Most recently, I was examined by yet another expert hired by the government. The consultant again recommended that my hip be replaced. Yet, it still has not been done.

Respectfully submitted,

By: 

Paul Lee
% Chrissy's Paralegal
500 Lincoln Highway
N. Versailles, PA 15137
p.lee@usdoj.com

PLAINTIFF

CERTIFICATE OF SERVICE

I, Paul Lee, certify that I mailed a true copy of the foregoing to Kate L. Mershimer, Esquire; Office of U.S. Attorney; 217 Federal Building; 225 Walnut Street; Box 11754; Harrisburg, PA 17108 on this ____ day of May, 2001.

By: 

Paul Lee